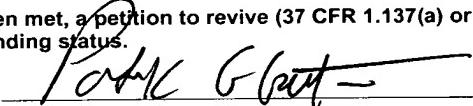


FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 12-2004)		ATTORNEY'S DOCKET NUMBER 05-037
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/521847
INTERNATIONAL APPLICATION NO. PCT/ZA2003/000093	INTERNATIONAL FILING DATE 15 July 2003 (15.07.03)	PRIORITY DATE CLAIMED 18 July 2002 (18.07.02)
TITLE OF INVENTION MEGASPHAERA ELSDENII STRAIN AND ITS USES		
APPLICANT(S) FOR DO/EO/US Charles Henry HORN; Albrecht KISTNER; Barend Jacobus GREYLING; Alexandra Helena SMITH		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</p> <p>11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</p> <p>12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</p>		
Items 13 to 23 below concern document(s) or information included:		
<p>13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>15. <input type="checkbox"/> A FIRST preliminary amendment.</p> <p>16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>17. <input type="checkbox"/> A substitute specification.</p> <p>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>20. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>22. <input checked="" type="checkbox"/> Express Mail Label No. EV596660615US</p> <p>23. <input checked="" type="checkbox"/> Other items or information:</p> <p>Application Data Sheet Return Receipt Postcard</p>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/521847		PCT/ZA2003/000093		05-037	
24. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee			\$300.00	Applicant use	
<input checked="" type="checkbox"/> b) Examination fee			\$200.00	Office use	
<input checked="" type="checkbox"/> c) Search fee			\$500.00		
TOTAL OF ABOVE CALCULATIONS =				\$1000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE	
- 100 =	/50 =			x \$250.00	\$ \$0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable)			<input type="checkbox"/>	+ \$360.00	\$ \$0.00
TOTAL OF ABOVE CALCULATIONS =				\$1,000.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL = \$1,000.00					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE = \$1,000.00					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ \$0.00					
TOTAL FEES ENCLOSED = \$1,000.00					
Amount to be refunded: \$					
Amount to be charged: \$					
a. <input checked="" type="checkbox"/> A check in the amount of \$1,000.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____ c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2490 . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: Patrick G. GATTARI MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 South Wacker Drive, Suite 3100 Chicago, IL 60606 US Phone: (312) 913-0001 Fax: (312) 913-0002					
 SIGNATURE Patrick G. Gattari NAME 39,692 REGISTRATION NUMBER					

10/24/05 PCT/AU 23 NOV 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(DOCKET NO.: 05-037)

In re the Application of:)
Charles Henry Horn, et al.) Group Art Unit: Unassigned
Serial No.: 10/521,847)) Examiner: Unassigned.
Filed: January 18, 2005)
For: Megasphaera Elsdenii Strain And Its Uses)

TRANSMITTAL LETTER

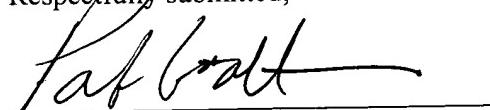
Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
 - a) Response to Notification of Missing Requirements;
 - b) Copy of the Notification of Missing Requirement;
 - c) Supplemental Preliminary Amendment;
 - d) Sequence Listing (Paper Copy and CD Rom);
 - e) Declaration and Power of Attorney;
 - f) Petition for One Month Extension of Time; and
 - g) Return Receipt Postcard.
2. With respect to fees:
 - a) A check in the amount of \$500.00 is enclosed for the fees associated with the Notice of Missing Requirement (\$130.00); Petition for Extension of Time (\$120.00); and Additional Claims fee (\$250.00).
 - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
3. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in a box addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on November 23, 2005. Express Mail No. EV596663617US.

Respectfully submitted,



Patrick G. Gattari
Registration No. 39,682

12/01/2005 GFREY1 00000132 10521847
01 FC:1617 130.00 OP
02 FC:1615 250.00 OP